



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

March 4, 1992

CERTIFIED MAIL NO. P765 056 809
RETURN RECEIPT REQUESTED

Ivan Makil, President
Salt River Pima-Maricopa Indian Community
Route 1, Box 216
Scottsdale, AZ 85256

Re: Tri-Cities Landfill

Dear Mr. Makil:

EPA is investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at or about the Tri-Cities landfill. Pursuant to the authority of Section 308 of the Clean Water Act, 33 U.S.C. §1318, and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), EPA is authorized to require persons subject to the Act to furnish information, conduct monitoring, provide access and entry to EPA and its authorized representatives, and make reports as may be necessary to carry out the objectives of the Act. In accordance with the above-referenced provision, EPA hereby requires, pursuant to the above-referenced provisions, that you submit the information requested below on or before March 17, 1993.

Compliance with this information request is mandatory. Failure to respond fully and truthfully to each and every question or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319 and Section 104 of CERCLA, 42 U.S.C. Section 9604. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

For each and every question below, identify the person(s) answering these questions and all persons consulted in the preparation of the answer. In addition, for each and every question below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.

1. Identify all owners and operators of the landfill and state the dates during which each owner and/or operator owned,

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operated, or leased any portion of the landfill. Please explain the relationship between each owner and operator and the Salt River Pima-Maricopa Indian Community.

2. Identify by maps or other similar documentation, the area of the landfill which was impacted by the recent flood events.

3. Identify the materials accepted by the landfill at all times during its operation and placed in the flood-impacted areas. Include the chemical composition, characteristics, physical state (e.g., solid, liquid), and quantity of each substance.

4. Identify the following for the portion of the landfill which was impacted in any manner by the recent flood events:

(a) For each substance identified in your response to question 3 above, identify the entity from which you received the substance. If the entity is a transporter of the substance, also identify the source from which the transporter received the substance.

(b) For each substance identified in your response to question 3 above, provide the dates on which the landfill received such substance.

(c) Identify the amount paid in connection with each transaction (i.e. receipt of substances by the landfill).

(d) For each substance identified in your response to question 3 above, identify with maps or otherwise, the area of the landfill in which the substance was placed.

5. Identify the quantity and composition of the substances impacted by the recent flood events.

6. Provide answers to questions 3 and 4 for all other portions of the landfill not previously covered by your answer to those questions. Please provide this information in summary form if the answer to this request is voluminous.

7. Identify any medical waste which was accepted by the landfill. For each substance, also identify the following:

(a) the chemical composition, characteristics, physical state, and quantity of each substance.

(b) the entity from which you received the substance. If the entity is a transporter of the substance, also identify the source from which the transporter received the substance.

(c) the dates on which the landfill received such substance.

(d) the amount paid in connection with each transaction (i.e. receipt of substances by the landfill).

(e) any precautions or special procedures taken with respect to each substance.

(f) the area of the landfill in which it was placed.

8. Provide copies of all financial statements, including income tax returns sent by the Salt River Pima-Maricopa Indian Community and by the owner/operator of the landfill, to the Federal Internal Revenue Service, for the past five years. The income tax returns are a voluntary submission.¹

9. Describe the design specifications of the jetty, including the number of cubic feet per second it can withstand.

10. Provide a list of customers who have used this landfill and provide copies of all contracts between the landfill owner(s)/operator(s) and its customers.

11. If you have reason to believe that there may be persons other than you who are able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

All information submitted pursuant to this letter shall be signed by you and shall include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, I certify that the information submitted, is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting

¹Pursuant to Title 26, Section 6103 of the U.S. Code, tax returns are entitled to confidential treatment. Disclosure to the EPA of tax returns can be compelled only in limited circumstances. EPA is not currently seeking to compel disclosure of these tax returns. Instead, EPA is requesting the Indian Community and the owner/operator of the landfill to submit their tax returns to EPA voluntarily.

false information, including the possibility of fine and imprisonment for knowing violations.

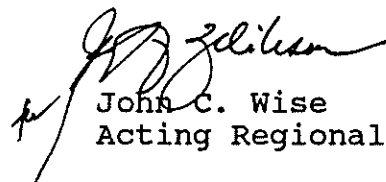
All submissions shall be mailed to the following address:

U.S. Environmental Protection Agency
Water Management Division
W-5-3
75 Hawthorne Street
San Francisco, CA 94105
ATTENTION: Ken Greenberg

EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations and in the Federal Register at 41 Fed. Reg. 36902 (September 1, 1978) and 42 Fed. Reg. 4000 (September 8, 1978). A claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. Section 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice to you. Please note, however, that you may not withhold any information from EPA on the grounds that it is confidential.

All inquiries regarding the requirements of this letter should be addressed to Allyn Stern at 415-744-1376.

Sincerely,

A handwritten signature in dark ink, appearing to read "John C. Wise", is written over a horizontal line.

John C. Wise
Acting Regional Administrator